REMARKS

This paper is submitted in response to the pending final Office Action mailed on October 17, 2005. Because this Response is submitted with a certificate of mailing in compliance with 37 C.F.R. §1.8 on or before the shortened statutory period for reply set to expire on **January 17, 2005**, this amendment is timely filed.

Moreover, this Response is submitted contemporaneously with a Request for Continued Examination (RCE) under 37 C.F.R. §1.114, and a check in the amount of $790.00 for the RCE fee set forth under 37 C.F.R. §1.17(e). Because this Response accompanies an RCE, Applicants respectfully request entrance and consideration of the amendments presented above in the **Amendments to the Claims** Section and discussed below in Section II.

I.   STATUS OF THE CLAIMS

Prior to this response, claims 1 to 20 were pending and at issue. By this response, claims 1 to 7 and 9 to 11 have been amended to clarify the subject mater for which protection is sought and new claims 21 to 27 have been added. The claims have been amended to ensure clarity and consistency, and not to address any pending rejection or other statutory deficiency. A check in the amount of $550.00 is enclosed for the fees set forth under 37 C.F.R. §§ 1.16 (h) and 1.16(i) for the one (1) new independent claims and the seven (7) claims in excess of the twenty claims originally paid for and filed. Thus, claims 1 to 27 are pending and at issue in this application.

The total fees believed due in connection with this Response and the RCE are $1340.00, however, please charge **Deposit Account No. 02-1818** for any fees deemed owed.

New claims 21 to 27 are directed to, among other things, a virtual space information processing system for controlling the display of an avatar. Applicants submit that these new claims are submitted to clearly define the subject matter for which protection is sought, and that no new matter has been added. Furthermore, Applicants assert that these new claims are not submitted for any reason related to patentability, to disclaim any subject matter, to overcome any reference of record or for any statutory reason.

II.   CLAIM REJECTIONS

The pending final Office Action rejects claims 1 to 20 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,880,731 to Liles et al. ("*Liles*") in view of U.S. Patent No. 6,064,383 to Skelly ("*Skelly*").

Applicants respectfully traverse the rejection of claims 1 to 20 as obvious[1] over *Liles* in view of *Skelly*. In particular, Applicants submit that the relied upon combination of *Liles* and *Skelly* does not provide a proper basis for establishing a *prima facie* case obviousness because the combination fails to teach or suggest all of the elements set forth in the claims 1 to 27. Amended independent claims 1, 7, 9, 10, 11 and new independent claim 21 recite, in relevant part, systems and methods that include living body or user information detected from or about the user and feeling expressions generated for an avatar that correspond to the conditions from or about the user, and include a plurality of state conditions and a plurality of levels associated with each of the plurality of state conditions. In other words, in one embodiment, the systems and methods detect user characteristics and generate feeling expressions for an avatar based upon the detected user characteristics.

Neither *Liles* nor *Skelly*, alone or in combination, disclose, or even suggest, a system or method that detects user characteristics as the basis for feeling expressions for an avatar. *Liles* simply discloses a graphic chat session where each participant is enabled to select and initiate an animation employing the avatar. The selected animation conveys a desired emotion and/or state of mind to another participant in the chat session and may selectively be displayed in combination with a textual message that is transmitted by the participant. *See Liles* at col. 3, lines 33 to 40. Thus, the animations are directly selected and initiated by the actions of chat participant and are not detected from or about the user, as generally recited by the claims at issue.

Skelly does not provide the disclosure or suggestion lacking from *Liles*. *Skelly* discloses the use of an emotion wheel to allow a user to select a particular emotion and a level thereof. *See Skelly* at col. 4, lines 27 to 64 and FIGS. 3A to 3C. Similar to *Liles*, the user actively selects the emotion state of the character to be displayed.

---

[1] To establish a *prima facie* case of obviousness, three basic criteria must be met.:

(a)   First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

(b)   Second, there must be a reasonable expectation of success.

(c)   Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *See* MPEP §2143 - §2143.03 for decisions pertinent to each of these criteria.

Because *Liles* and *Skelly* either alone or in combination fail to disclose, or even suggest, a system or method that detects user characteristics as the basis for feeling expressions for an avatar, the relied upon references and combination do not provide a proper basis for establishing a *prima facie* case of obviousness. Moreover, neither of the cited references recognizes the speed, accuracy and usability advantages of an information or chat system in which the feeling expressions of the avatar reflect the user characteristics or information detected from the user. Because the cited references alone or in combination fail to recognize the advantages conveyed and the problem solved by the invention recited by claims 1 to 27, the cited references do not provide the suggestion or motivation necessary to make the relied upon combination. For all of these reasons, Applicants respectfully request that the obviousness rejection with respect to claims 1 to 20 be withdrawn. Moreover, Applicants submit that all of the claims 1 to 27 are patentable over any combination of *Liles* and *Skelly*.

III.   CONCLUSION

For all of the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY: _____
Matthew T. Ridsdale
Reg. No. 56,832
Cust. No. 29175
312.807.4440
mridsdale@bellboyd.com

Dated: **December 5, 2005**